

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Michael D. Damron,

Civil No. 04-3865 (RHK/RLE)

Plaintiff,

vs.

**ORDER**

Joan Fabian, Commissioner, Minnesota Department  
of Corrections; Connie Roerich, Warden, MCF-Faribault;  
Louis Stender, Assoc. Warden; Bruce Reiser, Assoc. Warden;  
Michael Smith; Chris Estes; John Melvin; Michael Grundman;  
Allen McColley; Winifred Hughes; Debra Stoeckel-Milke;  
Susan Schema; Ralph Schmidt; James Morris; Thomas  
Schloesser; Brian Paul; Mark Cervenka; Christopher Ernste;  
Joanne Popken; William Stransky; John Doe; Jane Doe;  
and Richard Doe,

Defendants.

---

Construing Defendant's Motion to Reconsider as an Objection to portions of Chief Magistrate Judge Raymond L. Erickson's February 17, 2006 Report and Recommendation, the undersigned has conducted the required de novo review of the Report and Recommendation and the Objections thereto. That review discloses that Judge Erickson's thorough and well-reasoned Report and Recommendation is fully supported not only by the record before him, but also by controlling legal authority and that his recommended disposition should be adopted.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 41) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 40) is **ADOPTED**;
3. Plaintiff's Motion for Entry of Default Judgment (Doc. No. 33) is **DENIED**;

4. Defendants' Motion for Summary Judgment (Doc. No. 26) is **GRANTED**; and
5. The Complaint (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 30, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge